



**Samuel Bazian**

**Partner**

Phone: 212.592.1611

Fax: 212.545.2349

sbazian@herrick.com

March 20, 2024

The request is GRANTED. Defendant shall have until  
May 31, 2024 to depose Diamantis Svingos.

VIA ECF

Dated: March 21, 2024

New York, New York

**SO ORDERED.**

**JENNIFER L. ROCHON**

**United States District Judge**

Hon. Jennifer L. Rochon  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1920  
New York, New York 10007

Re: *Colony Ins. Co. v. Erzuli, LLC, et al.*, Case No. 23-cv-03874 (JLR)

Dear Judge Rochon:

We represent Defendant Erzuli, LLC (“Erzuli”) in the above-referenced action. We write to respectfully request permission from the Court to conduct the deposition of Diamantis Svingos—the plaintiff in the underlying personal injury action that is the subject of this insurance coverage dispute and who has knowledge relevant to the parties’ claims—after the May 3, 2024 deposition deadline set forth in the Court’s most recent Revised Civil Case Management Plan and Scheduling Order, dated March 7, 2024 (ECF Doc. No. 57).

Although Mr. Svingos’ counsel has agreed to accept service of a deposition subpoena on behalf of Mr. Svingos, he has advised that Mr. Svingos has recently undergone a total shoulder replacement and is currently taking various medications that he believes will affect Mr. Svingos’ ability to capably testify. His counsel also advised that, per court order in the underlying personal injury action, the deadline for the parties in that action to conduct Mr. Svingos’ deposition is May 31, 2024, and he would prefer not to produce Mr. Svingos for separate depositions in that action and this one. His counsel therefore suggested that the parties in this action conduct Mr. Svingos’ deposition on the same day that he will be deposed in that action.

We have conferred with all other counsel in this action, and they have advised that they are amenable to conducting Mr. Svingos’ deposition on the same date that he is deposed in the personal injury action. Nevertheless, we recognize that the Court has already extended the discovery schedule per the request of Plaintiff Colony Insurance Company, and the deadline to complete depositions is May 3, 2024. We therefore respectfully request permission to conduct Mr. Svingos’ deposition after that date, which we understand will take place in May. In the alternative, we respectfully request the Court’s guidance on how it wishes the parties to proceed.



Hon. Jennifer L. Rochon  
March 20, 2024  
Page 2

In the event the Court would like to schedule a conference to discuss this matter, we will make ourselves available at the Court's convenience. Thank you for your time and consideration of this request.

Respectfully submitted,

Samuel J. Bazian

cc: All counsel of record (via ECF)